MONTANA LEGISLATIVE HISTORY

Chapter 49 19 71

Bill H _____ S 336 Original bill & history ___C

H. Committee on Education			S. Committee on Education		
Hearing Date(s)	Feb 13	✓ C	Hearing Date(s)	Jan 25	✓ C
	_____	___C		Jan 25	✓ C
	_____	___C		_____	___C
	_____	___C		_____	___C
Date Out	Feb 13	✓ C		Jan 25	✓ C

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

A meeting of the Education Committee was called to order on January 25 at 10:05 a.m. in room 402 by Chairman Cotton. The secretary called the roll and all committee members were present, as was Intern David Irving.

Senate Bill #336 - This bill relates to teacher tenure. Senator Rosell, author of the bill, was called upon by Chairman Cotton. She explained that when recodifying the school laws, the sub-committee had erroneously used a Supreme Court decision which actually related to contracts rather than tenure, and thus an inadvertent change had occurred. Senator Rosell called up D. D. Cooper of the Montana Education Association to further explain this legislation.

Mr. Cooper told the committee that the wording in Senate Bill 1 changed teacher tenure from a school district to a school building. The way the wording in the law is at present, it would restrict tenure to a school building and the school boards would not be free to transfer teachers from building to building without their losing tenure.

Senator Klindt made a motion that the committee pass consideration of the bill until copies of S.B. 336 are received from the printer and are available to the committee members for their review. The motion was seconded by Senator Thiessen and was carried.

Senate Bill #56 - This bill has previously been considered by the committee and had been re-referred. Senator Mathers offered proposed amendments to the committee. The bill has completely re-written. Community colleges would be completely under the jurisdiction of the Board of Regents under the proposed amendments.

Senate Bill #235 - Providing that community college districts shall be under supervision of Board of Education as Regents and that the board shall appoint a state director of community colleges. Senator Mathers again offered amendments to this bill.

Senate Bill #236 - Prohibits community colleges from becoming four-year baccalaureate-granting institutions and requiring final approval of Regents for the establishment of new community colleges. Senator Mathers submitted amendments to this bill, which limits community colleges to strictly two-year institutions and prohibits establishment of additional community colleges.

Senator Carl moved that the committee postpone action on the three above-mentioned bills pending further study by the committee members. The members also felt they would like to see copies of the amendments before taking action.

Senate Bill #249 - This bill requires home counties of mentally and physically handicapped children to pay tuition to local school districts where such children attend. Senator Bollinger, author

A meeting of the Education Committee was called to order by Chairman Cotton on January 29 in room 402 at 10:05 a.m. The secretary called the roll. All members were present.

Senate Bill #336 - This bill had previously been heard by the committee. The chairman called upon Senator Rosell, who reiterated that this is merely a corrective measure due to the use of a wrong Supreme Court decision. That decision was based on contracts rather than tenure. Senator Rosell next recognized D. D. Cooper of the M.E.A. to explain more about this legislation.

Mr. Cooper stated that in its application this would be a substantive change. Tenure is presently acquired on a district basis and this would probably change it to a school building basis, which could create a difficult situation in the transfer of teachers when needed.

Senate Bill #155 - Such legislation would allow trustees of school districts to employ licensed attorneys to assist the county attorney in connection with school board business.

Chairman Cotton called upon Senator Rosell to discuss her bill. Senator Rosell specified that Chadwick H. Smith would take the floor.

Mr. Smith, attorney for the Montana School Boards Association, reported that the Association is in support of Senate Bill 155. They have no fault with county attorneys, but often times county attorneys do not have assistants and if they have a serious criminal case, they do not always have time to work on other matters. School board business cannot always wait, or sometimes a specialist in a particular field is needed.

Mr. Cooper stated that M.E.A. is also in support of this bill. Under the present law, school boards may not employ outside counsel and there have been a few cases where M.E.A. has had to enter a case as a friend of the court in order to defend the school board involved.

Senate Bill #182 - Relating to employer's contribution for school employees under the Social Security Act.

Senator Cotton, author of this legislation, called upon Lloyd Markell of M.E.A. to provide information to the committee. See "Exhibit A".

Senate Bill #297 - Authority of trustees to release pupils during the school day for religious education purposes.

The chairman recognized Senator James, who had several people available to testify in behalf of his bill.

Senator James first introduced Mr. Kirk M. Dewey, Executive Secretary of the Montana Council of Churches, who supports this legislation. See attached "EXHIBIT B".

John Frankino, Director of Montana Catholic Conference (which represents Catholic people in the State of Montana), told the committee he had nothing much to add to Mr. Dewey's remarks except that the Conference is in support of this bill and they feel it will be of great benefit to the people. He pointed out that many times during the evening hours and on weekends it is difficult to obtain instructors for the religion classes, since they are housewives, businessmen, etc.

Pastor Martin A. Bauman, First Lutheran Church in Helena, related that the church already conducts a week day school after hours. This puts a burden on the students and he feels the release time basis would enhance their program.

Reverend George Harper, Pastor of St. Paul's United Methodist Church, advised the committee that this would involve all churches working together with the school board and that if the board didn't feel the matter was properly taken care of, they wouldn't need to go along with the plan.

There being no additional proponents for this bill, Pastor N. D. Ostrander, representing the Seventh Day Adventist Church, answered the above speakers by speaking in opposition to the proposed legislation. See attached "EXHIBIT C".

Senator James then pointed out that this has been an actual practice in several places. It has been in existence for many years in his community, and is well accepted. He introduced Pastor Donald L. Tigges from Joplin.

Pastor Tigges reported that the plan is working out very well, and that there are only three or four pupils left in study hall during the session.

Senator Carl requested that action on Senate Bill 182 be held pending additional study by the committee.

The committee went into executive session.

Senator Mathers moved that Senate Bill 336 DO PASS. The motion was seconded by Senator Rugg and was carried.

Senator Thiessen moved adoption of amendments to Senate Bill 155 as follows: Amend Section 1, page 1, line 30 of the original bill following the word "duties" by omitting the period and inserting

☒ DO PASS
☐ DO NOT PASS
☐ BE CONCURRED IN
☐ BE NOT CONCURRED IN
☐ BE ADOPTED
☐ BE NOT ADOPTED

STANDING COMMITTEE REPORT

January 29 ,19 71

MR. PRESIDENT:

We, your committee on EDUCATION

having had under consideration SENATE Bill No. 336

75-6103

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 75-6103, R.C.M., 1947, RELATING TO TEACHER TENURE."

Respectfully report as follows: That SENATE Bill No. 336

DO PASS

Senate Committee Report form
Revised 3-65

Chairman.

EDUCATION COMMITTEE

42nd Legislative Assembly

Bill No.	Subject Matter	Date In	Hearing Date	Comments	Date Out	Committee Action	Final Action
SB 336	Relating to teacher tenure. Rosell, James, Mathers	2-9	2-13		2-13	DO PASS	Signed by Governor 2-20-71
SB 155	To allow trustees of school dist. to employ licensed attorneys to assist the County Atty. in connection with school board business. Rosell et al	2-13	2-18		2-18	BE CONCURRED IN	Governor's Office 3-4-71
SB 142	Relating to waiver of non-resident tuition for students. Thiessen, MacKay	2-13	2-23		2-23	BE CONCURRED IN AS AMENDED	Governor's Office 3-4-71
SB200	Relating to the school foundation program-changes in financial schedules for the maximum general fund budgets for elementary and high schools. Cotton et al	2-13	2-22		2-22	BE CONCURRED IN AS AMENDED	Governor's Office 3-4-71

February 13, 1971

EDUCATION COMMITTEE

The meeting was called to order by Vice-Chairman Kvaalen. A quorum was present.

First on the agenda was HR 7, Mr. Lund moved that it be passed for the day. The motion carried. It was mentioned by Rep. Gunderson that SJR 9 does the same thing but better.

Senate Bill 145 was next to be discussed. Senator Lynch was present and explained the bill's purpose; i.e., that the bill applies to Butte only and that it would permit them to tax people whose children go to Butte High School who live outside the school district.

Rep. Forester moved that Senate Bill 145 Be Concurred In. The motion was seconded and carried.

Senate Bill 130 was next to be discussed briefly. Rep. Campbell moved that it Be Concurred In. The motion carried. Rep. Himsl mentioned that this involves small rural schools, and Rep. Forester said it pertains to re-codification.

Senate Bill 336 was next, and all it does is change obsolete language. Rep. Marks moved that it be concurred in. The motion carried.

There was a short discussion about who will carry these bills on the floor.

There being no further business, the meeting was adjourned.

Oscar Kvaalen -Vice Chairman

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should kill any game animal by authority of any license issued for the killing of such game animal, and shall fail or neglect to cut out day and month of kill or provide such other information as is required and attach his tag, coupon or other marker so provided with the license issued, to the carcass of said game animal or portion thereof, or any person who shall fail to keep said tag, coupon or other marker attached to said game animal or portion thereof while the same is possessed by him shall be guilty of a misdemeanor and upon conviction thereof shall be punished as provided for by law in section 26-324."

Approved February 20, 1971

CHAPTER NO. 49

An Act to Amend Section 75-6103, R.C.M., 1947, Relating to Teacher Tenure.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. Section 75-6103, R.C.M., 1947, is amended to read as follows:

Teacher acquires tenure after four consecutive contracts.

"75-6103. **Teacher tenure.** Whenever a teacher has been elected by the offer and acceptance of a contract for the fourth consecutive year of employment by a district in a position requiring teacher certification except as a district superintendent, the teacher shall be deemed to be reelected from year to year thereafter as a tenure teacher at the same salary and in the same or a comparable position of employment as that provided by the last executed contract with such teacher, unless:

Exceptions.

Termination.

(1) the trustees resolve by majority vote of their membership to terminate the services of the teacher in accordance with the provisions of section 75-6104; *or*

65 years of age.

Notice.

(2) the teacher will attain the age of sixty-five (65) years before the ensuing first day of September and the trustees have notified the teacher in writing by the first day of April that his services will not be needed in the ensuing school fiscal year, except that the trustees may continue to employ such a teacher from year to year until the school fiscal year following his seventieth (70th) birthday."

Mandatory termination—70 years of age.

Approved February 20, 1971

CHAPTER NO. 50

An Act Amending Section 48-118.1, R.C.M., 1947, Providing for Delegation of Authority from District Court Judges to Clerks of Court for Determining and Entering Order on Marriage Application.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. Section 48-118.1, R.C.M. 1947, is amended to read as follows:

Application for marriage license filed five days before issue.

"48-118.1. **Application for license.** An application for a marriage license shall be filed at least five (5) days before a license shall be issued; provided, that, upon application of either of the parties to a proposed marriage, any judge of a district court may, upon satisfactory evidence being presented to him that either of the parties to the proposed marriage is dangerously ill, such illness being likely to result in death, or upon the request of the parents or guardian, if any, or upon any other circumstance which, in the opinion of the judge of the district court, warrants special dispensation may by order authorize the license to be issued at any time before the expiration of the said five (5) days; provided, further that such judge shall, before issuing such order, require that the parties making application for such marriage license shall be examined under oath, and shall give the reasons why such license should not be withheld by the clerk of the district court for the statutory period. Such order shall be delivered to the clerk of the district court issuing the license and by him retained as prima facie evidence of his authority to issue the said marriage license within the five (5) day period. *The judge or judges of any judicial district may delegate authority to the clerk or clerks of the district court within said district for the purpose of making the determination and entering the order that the five (5) day period may be waived.*"

District judge may order waiver.

Examination under oath.

Order to clerk.

District judges may delegate authority to clerk.

Approved February 20, 1971

CHAPTER NO. 51

An Act Concerning the Limitation of Hours of Labor for Female Employees to Eight (8) Hours; Amending Section 41-1120 and Repealing Section 41-1118, R.C.M. 1947; and Providing an Effective Date.